

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 286 (Sub-No. 7X)**

**New York, Susquehanna & Western Railway Corporation  
– Abandonment Exemption –  
Passaic and Morris Counties, N.J.**

**BACKGROUND**

In this proceeding, the New York, Susquehanna and Western Railway Corporation (“NYS&W”) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a portion of rail line, known as the Pompton Industrial Line, located in Passaic and Morris counties, New Jersey. The rail line proposed for abandonment extends approximately 4.2 miles between milepost 22.1 in Wayne Township, to approximately milepost 26.3 in Pompton Plains Township.

The rail line traverses an urban area roughly paralleling Route 23. The line crosses over the Pompton River via a bridge at milepost 23.32. NYS&W indicates that information regarding any restrictions on title will be made available. If the notice becomes effective, NYS&W would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

**ENVIRONMENTAL REVIEW**

NYS&W submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. NYS&W served the environmental report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board’s (Board) environmental rules [49 C.F.R. § 1105.7(b)].<sup>1</sup> The Board’s Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

---

<sup>1</sup> The Environmental and Historic Reports are available for viewing on the Board’s website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to “E-Library,” selecting “Filings,” and then conducting a search for AB 286 (Sub-No. 7X).

### ***Diversion of Traffic***

NYS&W states that no local or overhead traffic has moved over the portion of the line between milepost 25.96 and 22.1 for over twenty years and no local or overhead traffic has moved over the section of line from 25.96 and 26.3 in over two years. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could cause significant impacts to air quality or the local transportation network.

### ***Salvage Activities***

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and re-grading of the right-of-way. Salvage may be performed within the right-of-way, or if necessary, via construction of new access points to the right-of-way. NYS&W states that it plans to remove and sell the tracks and ties, if saleable. NYS&W does not intend to remove or alter the bridge located along the line. Based on NYS&W's representations, OEA concludes that NYS&W's salvage process would be limited to the rail line's tracks, ties, and ballast.

NYS&W states that the line right-of-way may be suitable for public use. NYS&W has received an inquiry from Morris County about acquiring the line right-of-way for trails use.

The Natural Resources Conservation Service (NRCS) indicates that, according to the New Jersey Department of Environmental Protection's wetland map and NRCS Soil Survey, wetlands do not occur within the area of the railroad bed but are located in adjacent areas. The agency also notes that the area of the proposed abandonment does not contain any threatened or endangered species, although habitat for such species does exist nearby. NRCS states that any salvage activities associated with the removal of rails and ties should have no negative environmental impacts as long as such activities are limited to the rail bed itself.

The U.S. Fish and Wildlife Service (USFWS), New Jersey Field Office, provided comments to NYS&W pursuant to the Endangered Species Act of 1973. In a letter to the applicant, it states that the area of the proposed abandonment includes potential habitat for the Indiana Bat (*Myotis sodalis*), a federally endangered species. The USFWS advises that measures should be taken to prevent the removal of trees as this could affect the habitat of the Indiana Bat. However, the USFWS states that no further consultations with the agency are necessary as long as the NYS&W follows its recommendations. No other federally listed or endangered species are located within the area of the proposed abandonment.

In an email to NYS&W, the New Jersey Department of Environmental Protection states that the proposed abandonment would not require any permits under its jurisdiction. Nevertheless, it advises the applicant to seek comments from the New Jersey Historical Society (SHPO) regarding potential impacts to any structures along the line.

The National Geodetic Survey (NGS) commented that there are six geodetic markers within the right-of-way of the proposed abandonment. OEA therefore recommends that NYS&W consult with NGS regarding any geodetic markers located along the line.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

OEA has not yet received responses from several federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. OEA is therefore sending a copy of this EA to those agencies for review and comment.

## **HISTORIC REVIEW**

NYS&W submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the New Jersey Historical Society (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c). The historic report indicates that the rail line includes an historic-era bridge over the Pompton River. According to the applicant, the bridge was built in 1915 and has not undergone any major restorations. The line itself was built in the 1860s and was originally part of the New York and Greenwood Lake Railroad.

The SHPO has not provided comments regarding the potential of the proposed undertaking to adversely affect historic properties, including the bridge. We are thus recommending a condition requiring NYS&W to retain its interest in and take no steps to alter the historic integrity of any potential historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the Section 106 process.

OEA conducted a search of the Native American Consultation Database to identify federally-recognized tribes that may have current or ancestral connections to the project area.<sup>2</sup> The database listed no tribes.

Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

## **CONDITIONS**

We recommend that the following two conditions be imposed on any decision granting abandonment authority:

- 1. The New York, Susquehanna and Western Railway Corporation shall retain its interest in and take no steps to alter the historic integrity of all historic**

---

<sup>2</sup> Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited November 8, 2013).

**properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. The New York, Susquehanna and Western Railway Corporation shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the New Jersey Historical Society (State Historic Preservation Office or SHPO) and the public. The New York, Susquehanna and Western Railway Corporation may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.**

- 2. The New York, Susquehanna and Western Railway Corporation shall consult with the National Geodetic Survey at least 90 days prior to the beginning of salvage activities that will disturb or destroy any geodetic station markers.**

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation is imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Nadals, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB 286 (Sub-No. 7X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Catherine Nadals, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at [nadalsc@stb.dot.gov](mailto:nadalsc@stb.dot.gov).

Date made available to the public: November 15, 2013.

**Comment due date: November 29, 2013.**

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment